

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1853 - HB 2171

March 3, 2014

SUMMARY OF ORIGINAL BILL: Requires nurse practitioners and physician assistants to keep the name of the current supervising physician updated within the information maintained by the Department of Health (DOH). A nurse practitioner or physician assistant must, within 30 days of a change of supervising physician, notify the DOH of the change. If, within the 30 day period, the nurse practitioner or physician assistant fails to provide the DOH with updated information, the supervising physician currently on either the practitioner or assistant's profile may report the change to the DOH. If such supervising physician contacts the DOH to report such change to the DOH, the DOH must then determine if the practitioner or assistant under question is currently issuing prescriptions and if so, who is the supervising physician and why such practitioner or assistant has not updated the profile. The appropriate board or committee is authorized to take any actions deemed as necessary. Authorizes a nurse practitioner or physician assistant to contend any supervising physician's claim that he or she no longer is, in fact, the supervising physician for such practitioner or assistant. In the case that such a contention is made, representatives from the Board of Nursing or Committee on Physicians Assistants, as appropriate, and representatives from either the Board of Medical Examiners or Board of Osteopathic Examination, as appropriate, shall make a recommendation to the DOH on resolving the conflict. If the representatives of the appropriate boards cannot solve the conflict, the Commissioner shall make the final decision.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$8,600/One-Time/Health Related Boards
\$129,300/Recurring/Health Related Boards

SUMMARY OF AMENDMENT (013021): Changes current Consumer Right-to-Know statute. Requires advance practice nurses who hold a certificate of fitness and physician assistants to keep the name of the current supervising physician updated within the information maintained by the Department of Health (DOH). Requires DOH to allow a supervising physician to, at any time, review, accept, and update the existence of a supervisory relationship between the physician and any advance practice nurse who hold a certificate of fitness or a physician assistant. On or after January 1, 2015, DOH shall use the supervisory relationships in the controlled substance monitoring database (CSMD) to update provider profiles.

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FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures - \$200,000/Health Related Boards


Other Fiscal Impact - The health related boards are required to be self-supporting over a two-year period. If any increase in board expenditures cannot be covered by current board reserves, affected boards will increase the cost of fees to cover such excess expenditures.

Assumptions for the bill as amended:

- Information submitted by licensees will now be updated electronically as well as in writing.
- DOH will establish a computer system to keep the Consumer Right-to-Know system automatically updated from changes made by DOH and licensees.
- Establishing this computer system and making changes to the Consumer Right-to-Know system will result in one-time expenditures, shared between the Board of Nursing, the Board of Medical Examiners, and the Board of Osteopathic Examination.
- According to DOH, this cost will result in a one-time increase in expenditures to these Boards of \$200,000. The allocation of expenditures between these boards is unknown.
- Pursuant to Tenn. Code Ann. § 9-4-5117, all health-related boards are required to self-supporting over a two-year period.
- The Board of Medical Examiners had closing balances of \$687,808 in FY11-12, \$288,380 in FY12-13, and a closing reserve balance of \$2,441,396 on June 30, 2013.
- The Board of Nursing had closing balances of \$1,277,018 in FY11-12, \$1,823,653 in FY12-13, and a closing reserve balance of \$5,102,244 on June 30, 2013. The Board of Osteopathic Examination had closing balances of \$117,644 in FY11-12, \$101,696 in FY12-13, and a closing reserve balance of \$446,900 on June 30, 2013.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

/jdb